Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Access Charge Reform	)	CC Docket No. 96-262
	)	
	)	
Reform of Access Charges Imposed by Competitive Local Exchange Carriers	)	
	)	

REPLY OF SPRINT CORPORATION

Sprint Corporation ("Sprint") on behalf of its operating subsidiaries, hereby replies to the oppositions filed by other parties to the petitions for reconsideration or clarification of the *Seventh Report and Order* in the above-captioned rulemaking (FCC 01-146) released April 27, 2001.

In its own opposition, Sprint opposed the proposal of U.S. TelePacific to establish an averaging mechanism to calculate ILEC rates in markets served by more than one ILEC; opposed the petitions of Focal/US LEC and Time Warner Telecom ("TWTC") and TDS MetroCom regarding the rule that benchmark rates in new markets should immediately be set at ILEC levels; and opposed the requests of the Minnesota CLEC Consortium and the Rural Independent Competitive Alliance to expand the scope and increase the allowable rates for the rural exemption, as well as the similar request of TDS MetroCom to establish separate benchmark rates in small and medium urban markets. Although several parties filed comments that support the petitions Sprint opposed, those parties did not raise any arguments that were not fully responded to in Sprint's opposition.

However, Sprint does wish to respond to the parties opposing the two clarifications sought by Qwest: (1) that a CLEC, in calculating the comparable ILEC rate, may only include

the ILEC rates for those functions that the CLEC itself performs; and (2) that any statutory duty of an IXC to provide service to end-users of a CLEC should be conditioned on the CLEC providing timely and sufficient billing information to the IXCs so that the IXCs may bill traffic sent to them by the CLEC;s customers.

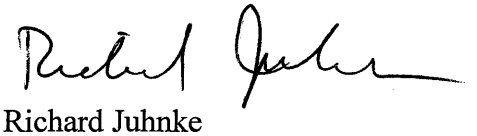
The oppositions to Qwest's first point reflect either a gross distortion or complete misunderstanding of Qwest's request. This is not an attempt, as Z-Tel (at 4) or Focal/US LEC (at 6) claim, to force CLECs to have a rate structure that is identical to those of ILECs. Nor would grant of Qwest's requested clarification introduce undue complexity into the calculation of the ILEC's rate, as ASCENT argues (at 3-4). CLECs would remain free to employ whatever rate structure they choose so long as the composite rate per minute for their rate elements does not exceed the relevant comparable rate of the competing ILEC. All that Qwest seeks is a clarification that the relevant composite rate of the competing ILEC would only include those generic functions that the CLEC itself is performing (whether through the use of its own equipment or through the use of unbundled network elements purchased from the ILEC) when it furnishes access service to the IXC. The most likely concrete example is tandem switching. If an IXC receives its traffic from a CLEC via an ILEC's tandem switch, then there is no reason why the IXC should pay the CLEC for a tandem switching function that in fact is performed instead by the ILEC. It is simple enough to determine the ILEC's charge for tandem switching and exclude that charge from the sum of the ILEC's switched access rate elements in computing the benchmark to which the CLEC must be held.

The arguments against the other clarification sought by Qwest – that an IXC is not obligated to serve a CLEC's customer if the CLEC fails to provide it with adequate and timely billing information – are equally specious. It would be patently unreasonable for the Commission to force an IXC to accept traffic from a CLEC and pay access to that CLEC if the

CLEC fails to provide the IXC with sufficient information to enable the IXC to bill the CLEC's customer for the service that the IXC provides. The fact that the Commission has not explicitly required CLECs to provide billing name and address ("BNA") information to IXCs (*see* ASCENT at 5) is irrelevant, since the Commission has never explicitly required IXCs to purchase access services from CLECs (or, for that matter ILECs) that refuse to provide BNA. ALTS's suggestion (at 13), that the IXCs should be forced to accept traffic from CLECs that refuse to provide BNA and resort to the complaint procedures under §208 for relief, ignores the very real possibility that, given the precarious financial health of some CLECs, those CLECs would be out of business before the IXC could prosecute its complaint and collect damages. More fundamentally, the Commission can require carriers to interconnect with each other under §201 only if it prescribes just and reasonable terms and conditions for the interconnection. It would be patently unjust for the Commission to require IXCs to interconnect with CLECs under terms that would fail to give all IXCs the information necessary to bill and collect for the traffic that is delivered via the compulsory interconnection.

The Commission should grant Qwest's petition and, for the reasons explained in Sprint's July 23 Opposition, deny the petitions for reconsideration of the other parties.

Respectfully submitted,



Richard Juhnke
Sprint Corporation
401 9th Street, NW
Washington, DC 20004
(202-585-1912

Counsel for Sprint Corporation

August 7, 2001

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **REPLY OF SPRINT CORPORATION** was sent by United States first-class mail, postage prepaid, on this the 7th day of August, 2001 to the parties on the attached page.

Sharon Kirby

August 7, 2001

Craig J. Brown, Esq.
Sharon J. Devine, Esq.
Qwest Communications
International Inc.
Suite 700
1020 19th Street, NW
Washington, DC 20036

Richard J. Johnson, Esq.
Michael J. Badley, Esq.
Moss & Barnett
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402

David Cosson, Esq.
John Kuykendall, Esq.
Counsel for Rural Independent
Competitive Alliance
2120 I Street, NW, Suite 520
Washington, DC 20037

Margot Smiley Humphrey, Esq.
Holland & Knight LLP
Counsel for TDS Metrocom
Suite 100
2099 Pennsylvania Ave., NW
Washington, DC 20006

Thomas Jones, Esq.
Willkie Farr & Gallagher
Three Lafayette Centre
1122 21st Street, NW
Washington, DC 20036

Richard J. Metzger, Esq.
Focal Communications Corp.
Suite 850
7799 Leesburg Pike
Falls Church, VA 22043

Richard M. Rindler, Esq.
Patrick J. Donovan, Esq.
Michael P. Donahue, Esq.
Swidler Berlin Shefeff
Friedman, LLP
3000 K St., NW, Suite 300
Washington, DC 20007

Kenneth K. Okel, Esq.
U.S. TelePacific Corp.
515 Flower Street, 47th Floor
Los Angeles, CA 90071

Karen Brinkmann, Esq.
Alexander Hoehn-Saric, Esq.
Latham & Watkins
Suite 1000
555 11th Street, NW
Washington, DC 20004
Thomas Koutsky, Esq.
Z-Tel Communications, Inc.

Teresa K. Gaugler, Esq.
Jonathan Askin, Esq.
Association for Local
Telecommunications Services
888 17th Street, NW, Suite 900
Washington, DC 20006
Michael B. Hazzard, Esq.
Tamara E. Connor, Esq.

601 S. Harbour Island Blvd., Suite 220
Tampa, FL 33602

Counsel for Z-Tel
Kelley Drye & Warren LLP
Twelfth Floor
8000 Towers Crescent Drive
Vienna, VA 22182

Charles C. Hunter, Esq.
Catherine M. Hannan, Esq.
Attorneys for ASCENT
Hunter Communications Law Group
1424 Sixteenth St., NW, Suite 105
Washington, DC 20006

James U. Troup, Esq.
James H. Lister, Esq.
Counsel for Iowa Telecom Services
Arter & Hadden LLP
1801 K St., NW, Suite 400K
Washington, DC 20006

Henry G. Hultquist, Esq.
WorldCom, Inc.
1133 19th Street, NW
Washington, DC 20036

Mark C. Rosenblum, Esq.
Peter H. Jacoby, Esq.
AT&T Corp.
Room 1134L2
295 North Maple Avenue
Basking Ridge, NJ 07920

James F. Bendernagel, Jr., Esq.
C. John Buresh, Esq.
Daniel Meron, Esq.
Sidley Austin Brown & Wood
1722 Eye Street, NW
Washington, DC 20006

International Transcription
Service
445 12th Street, SW
Washington, DC 20554